

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

JENARIO SCOTT

PLAINTIFF

VERSUS

CAUSE # 3:20-cv-00083-KHJ-FKB

**CITY OF JACKSON MISSISSIPPI;
JOHN AND JANE DOES 1-10**

DEFENDANTS

NOTICE OF DEFENDANT'S DESIGNATION OF EXPERTS

Comes now, the Defendants in accordance with Rule 26 2 (C) of the Federal Rules of Civil Procedure and the Court's Case Management Order and designates the following individuals as witnesses who may present evidence at trial under Federal Rule of Evidence 702,703, or 705:

(1) **Noah D. Bernhardson, MD**, University of Mississippi Medical Center, 2500 North State Street, Jackson, Mississippi, 39216. Dr. Bernhardson is expected to provide factual testimony and may also offer expert medical testimony and opinion stemming from his examination and treatment of the Plaintiff for a gunshot wound on August 4, 2018. The testimony is expected to consist of statements that the Plaintiff presented to the University of Mississippi Medical Center on or about August 4, 2018 with a gunshot wound to the medial and lateral aspect of the proximal left thigh. The injury was to the anterior muscle of the thigh with scattered foci of air and multiple bullet fragments demonstrated with no evidence of active arterial extravasation.

The opinion of Dr. Bernhardson concerning the Plaintiff's injury is based on his training, education, and experience as a physician. In addition to testifying about his examination, treatment, and findings, Dr. Bernhardson may also offer testimony as a fact witness concerning the history obtained regarding the Plaintiff's use of marijuana and the events leading to the

suffering of the gunshot wound. The opinions of Dr. Bernhardson are contained with the medical reports of the University of Mississippi Medical Center and were included within the Plaintiff's Initial Disclosures to the Defendant.

(2) **Larry Martin, MD**, University of Mississippi Medical Center, 2500 North State Street, Jackson, Mississippi, 39216. Dr. Martin is expected to provide factual testimony and may also offer expert medical testimony and opinion stemming from his examination and treatment of the Plaintiff for a gunshot wound on August 4, 2018. Dr. Martin's testimony is expected to consist of a statement that the wounds suffered by the Plaintiff were connected and were located on the lateral surface and the anterior medical surface. The testimony of Dr. Martin is based on his education, training, and experience in the field of medicine.

Dr. Martin is also expected to testify that he examined the Plaintiff on August 24, 2018 along with Dr. Justin Thomas Badon, MD, and there were no issues with the wound reported by Plaintiff except for an occasional dull pain that was controlled with Aleve. Dr. Martin is expected to opine that the Plaintiff was ambulating without difficulty, and it was his opinion that additional wound care was not required. The opinions of Dr. Martin are contained within the medical reports of the University of Mississippi Medical Center, signed by the physician and were included within the Plaintiff's Initial Disclosures to the Defendants.

(3) **Andrew Douglas Kropilak and Leon Sykes, MD**, University of Mississippi Medical Center, 2500 North State Street, Jackson, Mississippi, 39216. The aforementioned doctors are expected to provide factual testimony and may also offer expert medical testimony and opinion in the area of general surgery. The physicians are expected to testify that a follow-up examination was performed on August 10, 2018, and the Plaintiff disclosed that the wound dressings were being changed by a nurse who was a family friend. The physicians are expected

to testify that upon examination, the lateral wound was closed with a scab, but the anterior thigh wound was open. The physicians are expected to testify that the Plaintiff had normal mood and affect psychologically. The anterior thigh wound measured at 2cm x 1.5 cm with mild serous drainage. The physicians are expected to testify that the Plaintiff was advised to continue the wound care dressing change and bear weight on the leg as tolerated. The opinions of the physicians are based on the education, training, and experience in the field of medicine and were set forth in medical reports in the custody of the University of Mississippi Medical Center. The medical reports were signed by the physician and included within the Plaintiff's Initial Disclosures to the Defendants.

(4) **Dr. Justin Thomas Badon, MD**, University of Mississippi Medical Center, 2500 North State Street, Jackson MS 39216. Dr. Justin Thomas Badon, MD is expected to provide factual testimony and may also offer expert medical testimony and opinion related to his examination of the Plaintiff on August 24, 2018 along with Dr. Larry Martin, MD. Dr. Badon is expected to testify that the Plaintiff presented and reported that there was an occasional dull pain controlled with Aleve. In his opinion, further wound care was not required. The opinion of Dr. Badon is based on the education, training, and experience in the field of medicine and were set forth in medical reports in the custody of the University of Mississippi Medical Center. The medical reports were signed by the physician and included within the Plaintiff's Initial Disclosures to the Defendants.

(5) **Marvin Henderson, Investigations Division Department of Public Safety**, 1900 East Woodrow Wilson Avenue, Jackson, Mississippi 39216. Agent Henderson is expected to provide factual testimony concerning his investigation of the shooting; however, the testimony may also include testimony based on Agent Henderson's education, training, and experience in the field of

law enforcement. Therefore, to the extent that Agent Henderson's education, training, and experience influenced the investigation concerning the August 4, 2018 event and findings of fact, the Defendants are designating him as an expert. Defendant does not have a report of the investigation but is aware that Agent Henderson conducted an investigation and may have prepared a written report containing opinions based on his law enforcement experience.

So designated this the 15th day of December 2020.

The City of Jackson, Mississippi

Tim Howard, City Attorney

By: Carrie Johnson, MSB # 9839

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CERTIFICATE OF SERVICE

I, Carrie Johnson do hereby certify that a copy of the above and foregoing Designation of Expert is expected to be served upon Plaintiff's counsel by the clerk of the Court; therefore, a copy of same will not be served personally in accordance with the Court's electronic case filing procedures.

Certified this the 15th day of December 2020.

/s/ Carrie Johnson